

**ASSEMBLY BILL**

**No. 1938**

**Introduced by Assembly Member Bogh**  
(Principal coauthor: Senator Battin)

February 1, 2006

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An act to amend Section 379 of the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1938, as introduced, Bogh. State highways: relinquishment.

Existing law provides that the Department of Transportation has full possession and control of all state highways. Existing law describes the authorized routes in the state highway system and establishes a process for adoption of a highway on an authorized route by the California Transportation Commission. Existing law authorizes the commission to relinquish certain state highway segments to local agencies.

This bill would authorize the commission to relinquish any portions of State Highway Route 79 in the City of San Jacinto to that city under certain conditions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 379 of the Streets and Highways Code
- 2 is amended to read:
- 3 379. (a) Route 79 is from:
- 4 (1) Route 8 near Descanso to Route 78 near Julian.

1 (2) Route 78 near Santa Ysabel to the Temecula city limits  
2 east of Butterfield Stage Road.

3 (3) Temecula city limits south of Murrieta Hot Springs Road  
4 to Route 74 near Hemet.

5 (4) Route 74 near Hemet to Route 10 near Beaumont.

6 (b) (1) Notwithstanding ~~this section~~ *subdivision (a)*, the  
7 commission may relinquish to the City of Temecula the portion  
8 of Route 79 located within Temecula's city limits, upon terms  
9 and conditions the commission finds to be in the best interest of  
10 the state.

11 ~~(e)-(1)~~

12 (2) Any relinquishment agreement shall require that the City  
13 of Temecula administer the operation and maintenance of the  
14 highways in a manner consistent with professional traffic  
15 engineering standards.

16 ~~(2)~~

17 (3) Any relinquishment agreement shall require the City of  
18 Temecula to ensure that appropriate traffic studies or analysis  
19 will be performed to substantiate any decisions affecting the  
20 highways.

21 ~~(3)~~

22 (4) Any relinquishment agreement shall also require the City  
23 of Temecula to provide for public notice and the consideration of  
24 public input on the proximate effects of any proposed decision on  
25 traffic flow, residences, or businesses, other than a decision on  
26 routine maintenance.

27 ~~(4)~~

28 (5) Notwithstanding any of its other terms, any relinquishment  
29 agreement shall require the City of Temecula to indemnify and  
30 hold the department harmless from any liability for any claims  
31 made or damages suffered by any person, including a public  
32 entity, as a result of any decision made or damages suffered by  
33 any person, including a public entity, as a result of any decision  
34 made or action taken by the City of Temecula, its officers,  
35 employees, contractors, or agent, with respect to the design,  
36 maintenance, construction, or operation of that portion of Route  
37 79 that is to be relinquished to the city.

38 ~~(d)~~

39 (6) Any relinquishment shall become effective immediately  
40 after the county recorder records the relinquishment resolution

1 that contains the commission's approval of the terms and  
2 conditions of the relinquishment.

3 ~~(e)~~

4 (7) On and after the effective date of the relinquishment, both  
5 of the following shall occur:

6 ~~(1)~~

7 (A) The portion of Route 79 relinquished shall cease to be a  
8 state highway.

9 ~~(2)~~

10 (B) The portion of Route 79 relinquished may not be  
11 considered for future adoption under Section 81.

12 ~~(f)~~

13 (8) The City of Temecula shall ensure the continuity of traffic  
14 flow on the relinquished portion of Route 79, including any  
15 traffic signal progression.

16 ~~(g)~~

17 (9) For relinquished portions of Route 79, the City of  
18 Temecula shall maintain signs directing motorists to the  
19 continuation of Route 79.

20 *(c) (1) Notwithstanding subdivision (a), the commission may*  
21 *relinquish to the City of San Jacinto any portion of Route 79 that*  
22 *is located within the city limits of that city, upon terms and*  
23 *conditions the commission finds to be in the best interests of the*  
24 *state, if the department and the city enter into an agreement*  
25 *providing for that relinquishment.*

26 *(2) A relinquishment under this subdivision shall become*  
27 *effective immediately following the county recorder's*  
28 *recordation of the relinquishment resolution containing the*  
29 *commission's approval of the terms and conditions of the*  
30 *relinquishment.*

31 *(3) On and after the effective date of the relinquishment, the*  
32 *relinquished portion of Route 79 shall cease to be a state*  
33 *highway.*

34 *(4) The portion of Route 79 relinquished under this*  
35 *subdivision shall be ineligible for future adoption under Section*  
36 *81.*

37 *(5) For the portion of Route 79 that is relinquished under this*  
38 *subdivision, the City of San Jacinto shall maintain within its*

- 1 *jurisdiction signs directing motorists to the continuation of Route*
- 2 *79.*

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